

June 21, 2000

97-56

Amendment of Rule 2.402 of  
the Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rules 2.402 of the Michigan Court Rules is adopted, to be effective September 1, 2000.

[The present language is amended as indicated below.]

**RULE 2.402      USE OF COMMUNICATION EQUIPMENT**

(A)            [Unchanged.]

(B) **Use.** A court may, on its own initiative or on the written request of a party, direct that communication equipment be used for a motion hearing, pretrial conference, scheduling conference, or status conference. The court must give notice to the parties before directing on its own initiative that communication equipment be used. A party ~~is~~ wanting to use communication equipment must submit a written request must be made to the court at least 7 days before the day on which the communication such equipment is sought to be used, and serve a copy must be served on the other parties, unless good cause is shown to waive this requirement. The requesting party also must provide a copy of the request to the office of the judge to whom the request is directed. The court may, with the consent of all parties or for good cause, direct that the testimony of a witness be taken through communication equipment. A verbatim record of the proceeding must still be made.

(C) **Burden of Expense.** The party who initiates the use of communication equipment shall pay the cost for its use, unless the court otherwise directs. If the use of communication equipment is initiated by the court, the cost for its the use of the communication equipment is to be shared equally, unless the court otherwise directs.

Staff Comment: The June 21, 2000 amendments of MCR 2.402 (B) and (C), effective September 1, 2000, added a

scheduling conference to the list of proceedings for which communication equipment may be used, allowed discretion for late requests, required that a copy of the request be provided to the office of the judge to whom it is directed, and assigned the cost for using communication equipment to the requesting party.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.

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97-56

Proposed Amendment of  
Rule 3.101 of the  
Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the Court is not persuaded that the proposed amendment of Rule 3.101 of the Michigan Court Rules should be made.